

RECORDING REQUESTED BY
CITY OF SAN DIEGO
PLANNING & DEVELOPMENT REVIEW

AND WHEN RECORDED MAIL TO
PERMIT INTAKE
MAIL STATION 501

SPACE ABOVE THIS LINE FOR RECORDER'S USE

PLANNED INDUSTRIAL DEVELOPMENT PERMIT NO. 99-0189
SCRIPPS RANCH MASTER PLAN
AMENDMENT TO PID NO. 85-0762
CITY COUNCIL

This Permit, Amendment No. 99-0189 to PID Permit No. 85-0762, is granted by the CITY COUNCIL of the City of San Diego to IRP SCRIPPS, LLC, a California Limited Liability Corporation, Owner/Permittee pursuant to Sections 101.0920 and 111.0510 of the Municipal Code of the City of San Diego. The 39.46 acre site is located on the east side of Scripps Ranch Boulevard between Scripps Lake Drive and Scripps Ranch Boulevard in the M-IP zone of the Scripps Miramar Ranch Community Plan. The project site is legally described as Lots 1-3 and 9-12, Scripps Ranch Business Park Phase III, Map 12130.

Subject to the terms and conditions set forth in this permit, permission is granted to Owner/Permittee to amend existing PID Permit No. 85-0762 to delete Lots 4 and 6-8 from the PID Permit and apply the conditions below to the remaining Lots No. 1-3 and 9-12, of Amended PID Permit No. 99-0189, described as and identified by size, dimension, quantity, type and location on the approved Exhibits "A", dated October 17, 2000, on file in the Planning and Development Review Department. The facility shall include:

- a. A reduced 7-lot industrial park totaling 39.46 acres in area, to be developed as shown on PID Permit No. 85-0762 as amended by this Permit as shown on Exhibits 'A', dated October 17, 2000, with use restrictions as specified in Condition No. 14;
- b. Landscaping (planting, irrigation and landscape related improvements); and
- c. Off-street parking facilities; and
- d. Accessory improvements determined by the City Manager to be consistent with the land use and development standards in effect for this site per the adopted Community Plan, California Environmental Quality Act guidelines, public and private improvement requirements of the City Engineer, the underlying zone(s), conditions of this permit, and any other applicable regulations of the Municipal Code in effect for this site.

1. Construction, grading or demolition must commence and be pursued in a diligent manner within 36 months after the effective date of final approval by the City, following all appeals. Failure to utilize the permit within 36 months will automatically void the permit unless an Extension of Time has been granted. Any such Extension of Time must meet all the Municipal Code requirements and applicable guidelines in effect at the time the extension is considered by

the appropriate decisionmaker.

2. No permit for the construction, occupancy or operation of any facility or improvement described herein shall be granted, nor shall any activity authorized by this permit be conducted on the premises until:

- a. The Permittee signs and returns the Permit to the Planning and Development Review Department; and
- b. The Permit is recorded in the office of the San Diego County Recorder.

3. Unless this permit has been revoked by the City of San Diego the property included by reference within this permit shall be used only for the purposes and under the terms and conditions set forth in this permit unless otherwise authorized by the City Manager.

4. This permit is a covenant running with the subject property and shall be binding upon the Permittee and any successor or successors, and the interests of any successor shall be subject to each and every condition set out in this permit and all referenced documents.

5. The utilization and continued use of this permit shall be subject to the regulations of this and any other applicable governmental agencies.

6. Issuance of this permit by the City of San Diego does not authorize the applicant for said permit to violate any Federal, State or City laws, ordinances, regulations or policies including, but not limited to, the Federal Endangered Species Act of 1973 and any amendments thereto (16 U.S.C. Section 1531 et seq.)

7. The Owner/Permittee shall secure all necessary building permits. The applicant is informed that to secure these permits, substantial modifications to the building and/or site improvements to comply with applicable building, fire, mechanical and plumbing codes and State law requiring access for disabled people may be required.

8. Before issuance of any building or grading permits, complete grading and working drawings shall be submitted to the City Manager for approval. Plans shall be in substantial conformity to Exhibit "A," dated October 17, 2000, on file in the Planning and Development Review Department. No change, modifications or alterations shall be made unless appropriate applications or amendment of this permit shall have been granted.

9. All of the conditions contained in this Permit have been considered and have been determined to be necessary in order to make the findings required for this discretionary permit. It is the intent of the City that the holder of this Permit be required to comply with each and every condition in order to be afforded special rights which the holder of the Permit is obtaining as a result of this Permit. It is the intent of the City that the Owner of the property which is the subject of this Permit either utilize the property for any use allowed under the zoning and other restrictions which apply to the property or, in the alternative, that the Owner of the property be allowed the special and extraordinary rights conveyed by this Permit, but only if the Owner complies with all the conditions of the Permit.

In the event that any condition of this Permit, on a legal challenge by the Owner/Permittee of this Permit, is found or held by a court of competent jurisdiction to be invalid, unenforceable or unreasonable, this Permit shall be void. However, in such an event, the Owner/Permittee shall have the right, by paying applicable processing fees, to bring a request for a new Permit without the "invalid" conditions(s) back to the discretionary body which approved the Permit for a

determination by that body as to whether all of the findings necessary for the issuance of the Permit can still be made in the absence of the "invalid" condition(s). Such hearing shall be a hearing de novo and the discretionary body shall have the absolute right to approve, disapprove or modify the proposed Permit and the condition(s) contained therein.

ENVIRONMENTAL/MITIGATION REQUIREMENTS:

10. The applicant shall comply with the Mitigation Monitoring and Reporting Program (MMRP) as specified in Mitigated Negative Declaration, LDR No. 99-0189 satisfactory to the City Manager or City Engineer. Prior to the issuance of the first applicable grading and or building permit, all mitigation measures as specifically outlined in the MMRP shall be implemented in the following areas: land use (parks), biological resources, noise, hydrology/water quality, transportation and public services (education).

PLANNING/DESIGN REQUIREMENTS:

11. No fewer than one off-street parking space per 300 square-feet of gross floor area shall be maintained on the properties. Parking spaces shall comply at all times with the Municipal Code and shall not be converted for any other use unless otherwise authorized by the City Manager.

12. There shall be compliance with the regulations of the underlying zone(s) unless a deviation or variance to a specific regulation(s) is approved or granted as condition of approval of this permit. Where there is a conflict between a condition (including exhibits) of this permit and a regulation of the underlying zone, the regulation shall prevail unless the condition provides for a deviation or variance from the regulations. Where a condition (including exhibits) of this permit establishes a provision which is more restrictive than the corresponding regulation of the underlying zone, then the condition shall prevail.

13. Land uses within the project shall be limited to those allowed by the M-IP zone, except for the following restrictions:

- a. No multi-tenant offices shall be permitted on any lot.
- b. The following uses shall be prohibited as primary uses on any lot; these may only be allowed as accessory uses to the permitted primary uses; subject to the approval of the City Manager:
 - i. Establishments engaged in the manufacturing, fabricating, assembly, testing, repair, servicing and processing of the following:
 - coated, plated and engraved metal,
 - drugs,
 - perfumes, cosmetics and other toilet preparations.
 - ii. Establishments engaged in the wholesale distribution of the following:
 - drugs, chemicals and allied products,
 - groceries and related products, including poultry and poultry products, fish and seafood, and fruits and vegetables.

14. The height(s) of the building(s) or structure(s) shall not exceed those heights set forth in the conditions and the exhibits (including, but not limited to, elevations and cross sections) or the

maximum permitted building height of the underlying zone, whichever is lower, unless a deviation or variance to the height limit has been granted as a specific condition of this permit.

15. A topographical survey conforming to the provisions of the Municipal Code may be required if it is determined, during construction, that there may be a conflict between the building(s) under construction and a condition of this permit or a regulations of the underlying zone. The cost of any such survey shall be borne by the permittee.

16. Any future requested amendment to this permit shall be reviewed for compliance with the regulations of the underlying zone(s) which are in effect on the date of the submittal of the requested amendment.

17. All signage associated with this development shall be consistent with sign criteria established by the Municipal Code

18. A minimum 25-foot landscaped buffer shall be provided and maintained adjacent to Scripps Ranch Boulevard and Scripps Lake Drive, a gateway to the community.

19. All private outdoor lighting shall be shaded and adjusted to fall on the same premises where such lights are located.

20. The use of textured or enhanced paving shall meet applicable City standards as to location, noise and friction values.

21. The subject property and associated common areas on site shall be maintained in a neat and orderly fashion at all times.

22. All uses, except storage and loading, shall be conducted entirely within an enclosed building. Outdoor storage of merchandise, material and equipment is permitted in any required interior side or rear yard, provided the storage area is completely enclosed by walls, fences or a combination thereof. Walls or fences shall be solid and not less than six feet in height and, provided further, that no merchandise, material or equipment stored not higher than any adjacent wall.

23. Whenever rooftops can be seen from adjacent residential properties/developments, the roofscapes shall be carefully designed so that all rooftop features, such as mechanical equipment, tanks, ducts, elevator enclosures, cooling towers, mechanical ventilators or air conditioners and any other appurtenance, shall be erected, constructed, converted, established, altered, or enlarged on the roof of any building as an architectural feature to be enclosed or sheltered from view, satisfactory to the City Manager.

24. No merchandise, material or equipment shall be stored on the roof of any building.

25. Prior to the issuance of building permits, construction documents shall fully illustrate compliance with the Citywide Storage Standards for Trash and Recyclable Materials per the Municipal Code, to the satisfaction of the City Manager. All exterior storage enclosures for trash and recyclable materials shall be located in a manner that is convenient and accessible to all occupants of and service providers to the project, in substantial conformance with the conceptual site plan marked "Exhibit A".

26. Prior to the issuance of any building permits for any lot, the applicant shall adhere to the 'Development Plan Approval' requirements of the M-IP zone. In reviewing and approving development plans, the City Manager shall consider the following:

- a. Consistency with the design guidelines established for the property in the Scripps Miramar Ranch Community Plan and this permit.
- b. Landscaping to include large shrubs and trees and to screen building walls.
- c. Layout of the site with respect to location and width of driveways and private streets.
- d. Orientation and location of principal buildings in respect to adjacent property.
- e. Signs in relation to site location and fronting streets.
- f. Parking lot location, traffic flow, marking of spaces, placement of lighting and screening from adjacent property.
- g. Location and screening of loading docks and outdoor storage areas in relation to adjacent property.
- h. Building materials utilized for exterior walls and roofs.
- i. Building elevations in regard to minimum yard and topographical features of site.

In approving development plans, the City Manager may grant a deviation to the development regulations of the M-IP zone provided such deviation shall be based on sufficient showing that there are special circumstances or conditions affecting the property.

28. The owner/permittee shall disclose to potential residents or occupants, that they will routinely see and hear fixed and rotary-wing aircraft and experience varying degrees of noise and vibration associated with the proximity of the Marine Corps Air Station Miramar.

29. Parking lots shall be landscaped in conformance with regulations contained in the Municipal Code.

30. The applicant shall maintain all landscape and open space easements within the project.

31. The following measures shall be incorporated into the project design to reduce air quality impacts associated with the increase in traffic in the area: van and car-pooling, bicycle routes and bicycle storage lockers.

32. The Mixed Use Master Plan and the Planned Industrial Development Amendment must demonstrate that all projects will meet the City-Wide Landscape regulation (in this case M-IP zone) as a minimum.

33. Development plans shall include a grading plan showing cut/fill, import/export quantities, drainage patterns and collection/discharge points of all drainage systems.

34. Prior to issuance of any grading, or building permits, complete landscape construction documents, including plans, details and specifications (including a permanent automatic irrigation system unless otherwise approved), shall be submitted to the City Manager for approval.

35. Prior to issuance of any Certificate of Occupancy it shall be the responsibility of the Permittee to install all required landscape and obtain all required landscape inspections and to obtain a No Fee Street Tree Permit for the installation, establishment and on-going maintenance

of all street trees. Copies of these approved documents must be submitted to the City Manager.

36. All required landscape shall be maintained in a disease, weed and litter free condition at all times and shall not be modified or altered unless this Permit has been amended. Modifications such as severe pruning or "topping" of trees is not permitted unless specifically noted in this Permit. The Permittee, or subsequent Owner shall be responsible to maintain all street trees and landscape improvements consistent with the standards of the *Landscape Technical Manual*.

37. If any required landscape (including existing or new plantings, hardscape, landscape features, etc.) indicated on the approved plans is damaged or removed during demolition, it shall be repaired and/or replaced in kind and equivalent size per the approved plans within 30 days of completion of construction by the Permittee. The replacement size of plant material after three years shall be the equivalent size of that plant at the time of removal (the largest size commercially available and/or an increased number) to the satisfaction of the City Manager.

APPROVED by the CITY COUNCIL of the City of San Diego on October 17, 2000.